



Reasonable Accommodations and Tips for Running an Inclusive Service Program

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Reasonable Accommodations

Objectives

- JAN Overview
- Section 504/ADAAA Update
- Common Issues with Disability Inclusion
- Cost of Accommodation
- Accommodation Examples
- Questions



Reasonable Accommodations

Consultation

- Job Accommodations
 - All industries
 - All job categories
 - All impairments
- Employment Legislation
 - Americans with Disabilities Act
 - Rehabilitation Act



Reasonable Accommodations

Technical Assistance

- Free
- National
- Easy to Use
- Audience-Focused
 - Employers
 - Individuals
 - Service Providers
 - Others



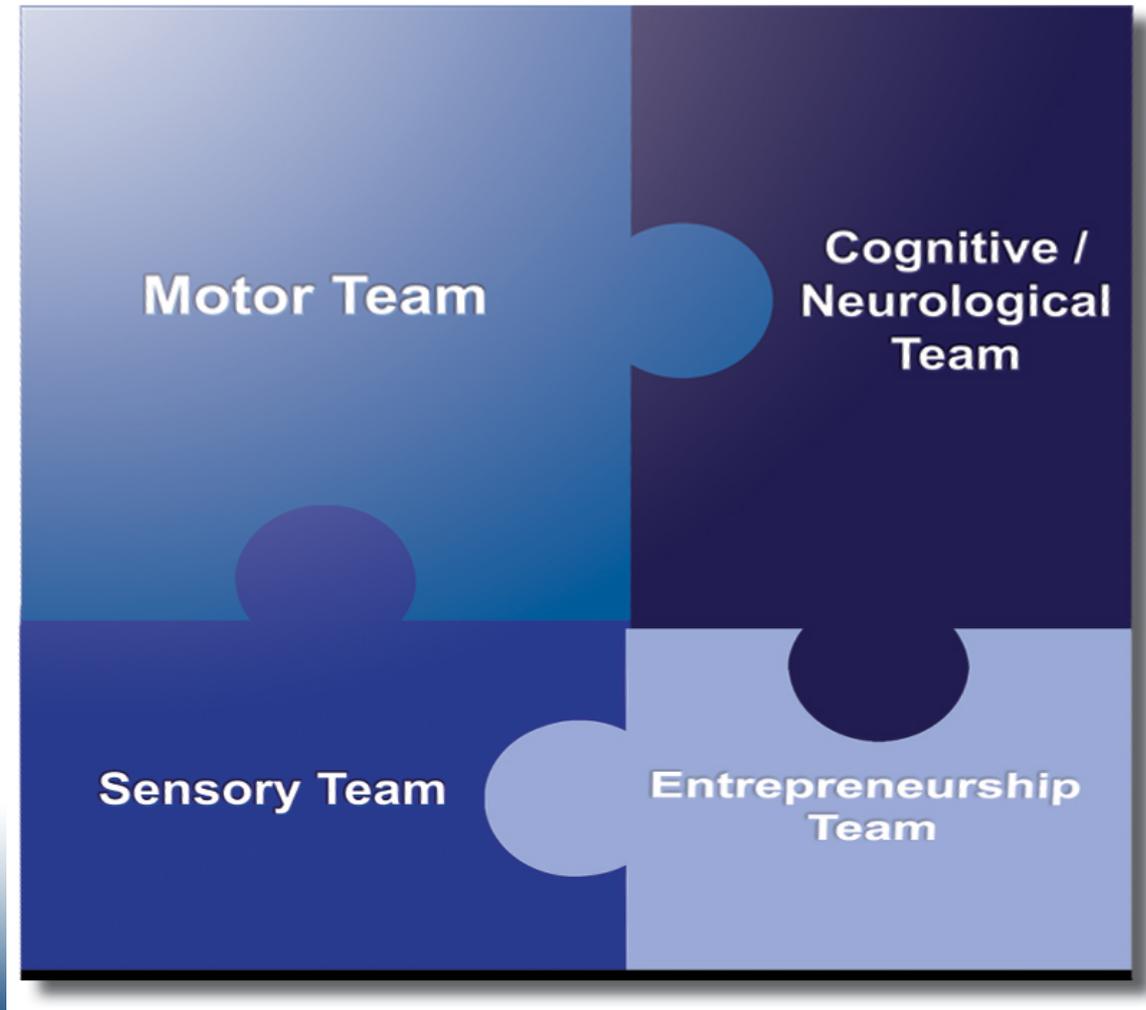
Reasonable Accommodations

Practical Guidance

- A to Z of Accommodations and Disabilities
- SOAR (Searchable Online Accommodation Resource)
- Employers' & Employees' Practical Guides
- ADA & Rehabilitation Act Library
- Interactive Process



Reasonable Accommodations



Recruitment challenges



- Vocational rehabilitation
- College/university centers for students with disabilities
- Independent living centers
- Disability membership based organizations

ADA/Rehab Act Section 504 Update

ADAAA/Rehab Act Section 504 Update

- Section 504 of the Rehabilitation Act applies to all entities receiving federal funds (your programs)
- Americans with Disabilities Act applies to public entities, places of public accommodation, programs and services
- Require “reasonable accommodation”

ADA/Rehab Act Section 504 Update

Guiding Principles

- makes it easier to meet the definition of “disability”
- states the definition of “disability” in the ADA “shall be construed in favor of broad coverage” and “should not demand extensive analysis”



ADA/Rehab Act Section 504 Update

Language of basic definition remains:

An individual has a disability under the ADA/Rehab Act Section 504 if he or she:

- has a physical or mental impairment which substantially limits one or more major life activities;
- has a record of such an impairment; or
- is regarded as having such an impairment.

ADA/Rehab Act Section 504 Update

Five key changes to the definition of “disability”:

1. “major life activities” expanded to include “major bodily functions,”
2. “substantially limits” redefined,
3. ameliorative effects of “mitigating measures” not considered (except “ordinary eyeglasses and contact lenses”),
4. rule for impairments that are “episodic” or “in remission,” and
5. “regarded as” redefined.



ADA/Rehab Act Section 504 Update

“List” of Conditions

- Deafness, blindness, mobility impairments requiring use of a wheelchair, intellectual disability (mental retardation), partially or completely missing limbs
- Autism, cancer, cerebral palsy, diabetes, epilepsy, HIV infection, multiple sclerosis, muscular dystrophy
- Mental impairments such as
 - major depressive disorder,
 - bipolar disorder,
 - post-traumatic stress disorder,
 - obsessive-compulsive disorder,
 - schizophrenia



Terminology issues



- “Isn’t ‘disability’ a bad word”
- Low response rate when asking members if they require “supports”
- “Isn’t using ‘differently abled’ or ‘challenged’ better terminology than ‘disabled’”

Terminology issues



- “Reluctance with using “disability” terminology impacts decisions and effectiveness
- “Disability” isn’t bad or wrong – just means a person’s body/mind functions differently
- ADA Generation - many identify and are proud to be “disabled”

Recommended terminology strategy

- Refer to someone as a “person with a disability”
 - People first language
- Even if people with disabilities don’t identify with the term, programs/services & civil rights are associated with using this term
- It’s accurate to refer to “reasonable accommodations” when discussing support needs

Screening/selection process issues



Things NOT to do:

- Analyze disability when determining “fitness to serve”
- Attempt to screen out people with disabilities
- Asking about someone’s disability pre-offer
- During the interview, asking only those with disabilities how they would do X or Y service related tasks

Screening/selection process issues



- Cannot ask about disability status before offer
- Cannot require disability disclosure
- Only the person with a disability can determine when/if to disclose their disability
- Attempting to determine “fitness to serve” runs counter to accommodation laws

Determining who is “qualified”

- Qualified: if they can do the essential functions of the position with or without accommodation
- What CAN hiring supervisor ask?
 - Ask all candidates the same questions
 - Ask about experience
 - Pose problem solving questions
 - Do reference checks
 - In position posting, only list essential tasks

Recommendations



- No crystal balls to predict difficulty or the future
- Cannot use historical or personal knowledge of a type of disability to determine if they're qualified
- The same disability manifests differently for everyone
- Instead of focusing on predicting what may happen, focus energy on providing an opportunity and timely accommodations

Expectation issues



- Program is concerned once hearing disability disclosure that they won't be capable
- Should talk with person who disclosed about their accommodation needs
- After that an expert might be helpful
- High expectations of people with disabilities - often the biggest hurdle we face

Goals of the ADA



- Independent (integrated) living
- Equal access
- Full participation
- High expectations

When problems arise...



- Member not performing well
- Member breaking conduct rules
- Program thinks member isn't good fit because of disability
- Want to reassign or dismiss a member with a disability

When problems arise...

- Members with disabilities subject to same conduct standards
- Determine if they need different accommodations before reassigning or dismissing
- All supervisors should be trained on identifying an accommodation request
- Improve member's experience and performance by making effective accommodations
- **Call JAN!**

Screening/selection process issues

Can I ask for medical documentation:

- Employee requests accommodation and the disability and/or need for accommodation is not known or obvious
- Verify need for accommodation
- ADA/Section 504 confidentiality rules



Disability Inclusion



Nuts and Bolts

- Get past disability
- Don't confuse disability and accommodation
- Make decisions that are job/program-related and consistent with business necessity
- Train your frontline
- Document your actions
- Remember ADA/Rehab Act Section 504 rules for reasonable accommodation

Disability Inclusion



Know that you:

- Can choose among effective accommodation options
- Do not have to provide accommodations unless needed because of a disability
- Do not have to provide accommodations that pose an undue hardship
- Do not have to provide personal use items needed in accomplishing daily activities both on and off the job
- Do not have to make an accommodation for an individual who is not otherwise qualified for a position
- Do not have to remove essential functions, create new jobs, or lower production standards

Reasonable Accommodations

Costs and Benefits



Workplace Accommodations: Low Cost, High Impact
<http://askjan.org/media/lowcosthighimpact.html>

Reasonable Accommodations



Finding #1: Most employers report no cost or low cost for accommodating employees with disabilities.

Results

- Over half of accommodations (59%) were made at no cost.
- Of the 36% who experienced a one-time cost to make an accommodation, the typical cost of accommodating an employee was \$500.

Reasonable Accommodations

Finding #2: Employers report accommodations are effective.

Results

- Of those responding, 75% reported the accommodations were either very effective or extremely effective.



Reasonable Accommodations



Finding #3: Employers experience multiple direct and indirect benefits after making accommodations.

Direct Benefits of Accommodation

- 90% Retained a valued employee
- 73% Increased employee's productivity
- 56% Increased employee's attendance

Indirect Benefits of Accommodation

- 64% Improved interactions with co-workers
- 63% Increased overall company morale
- 56% Increased overall company productivity

Reasonable Accommodations

The study results consistently showed that the benefits employers receive from making workplace accommodations far outweigh the low cost.





JAN's Interactive Process



Accommodation Examples

Purchasing or Modifying Equipment and Products



Accommodation Examples



Example

A child therapist wanted to continue working while undergoing treatment for cancer. Because of her treatment she had a suppressed immune system and her doctor recommended she wear a mask while working. She found a mask that did not interfere with her speech, but found out that it frightened some of the young children she worked with. It looked like she might have to take leave time until finished with treatment.

Accommodation Examples

ACCOMMODATION:

Call JAN!

- Mask with cartoons
- Met employee's needs and allowed her to perform her job



Accommodation Examples

Example

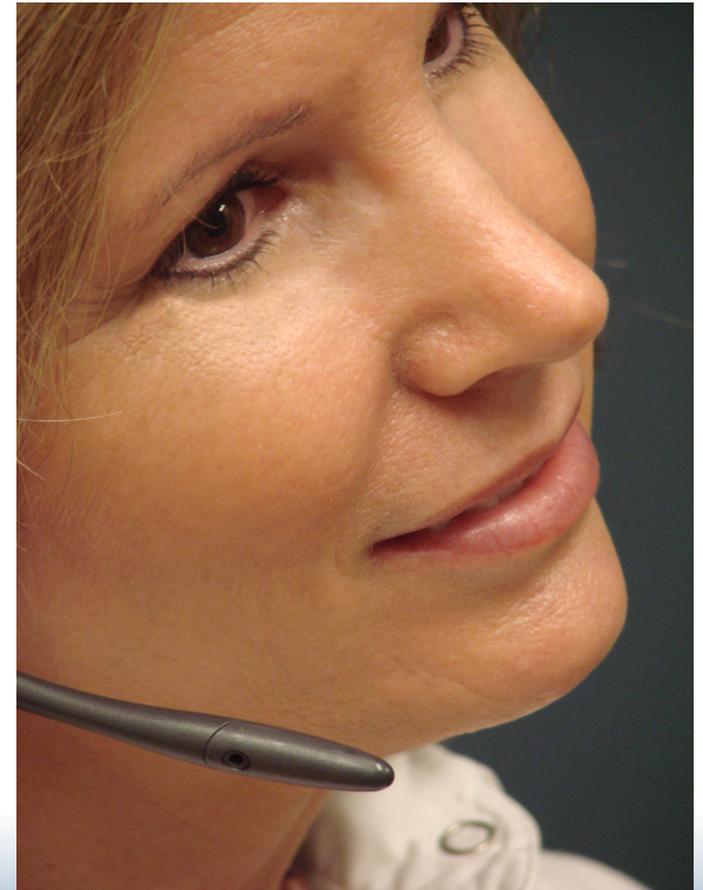
An activities aide with limited dexterity in her hands because of Cerebral Palsy volunteered in an extended living facility had difficulty writing documentation in the daily log for the groups she assisted.



Accommodation Examples

Solution:

The member was provided speech to text software that allowed her to dictate her notes from a computer, print them out, and then place them in the log / binder.



Accommodation Examples

A member with a hearing impairment chose not to wear hearing aids, but he asked his employer to purchase an assistive listening device so that he could hear in meetings.

Can the grantee say no you have to get and wear hearing aids?



Accommodation Examples

Is this within the employer's right to choose an effective accommodation?

No.

- Hearing aid is a personal need item
- Cannot require employees to use personal need items instead of accommodations



Accommodation Examples

A welder for a contractor who specialized in irrigation systems for farmers had a snake phobia and was having trouble performing his job because he had to work outside in rural areas.



Accommodation Examples

ACCOMMODATION:

- The employer purchased leg guards to protect against snake bites, which enabled the employee to work despite his phobia.
- Cost \$60.
- Benefit: “Never had an employee bitten by snake, but bought the guards anyway so the employee could feel safe.”



Accommodation Examples

An individual with a learning disability entered a health care training program. The individual had deficits in both reading and writing. The individual had a high school diploma and an IEP with specifics about accommodations provided during school.



Accommodation Examples

Accommodation Ideas

- “Talking” medical products
 - Apps
 - Electronic Medical Speller
 - Talking medical devices



Accommodation Examples

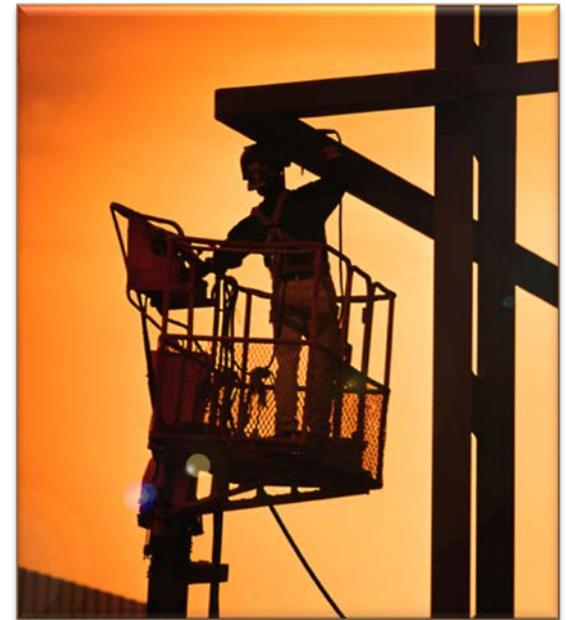
Making Work-site Accessible



Accommodation Examples

Example

An office worker who worked for a construction company was sensitive to fragrances. The employer found a filtering mask, but the employee did not want to wear a mask.



Accommodation Examples

ACCOMMODATION:

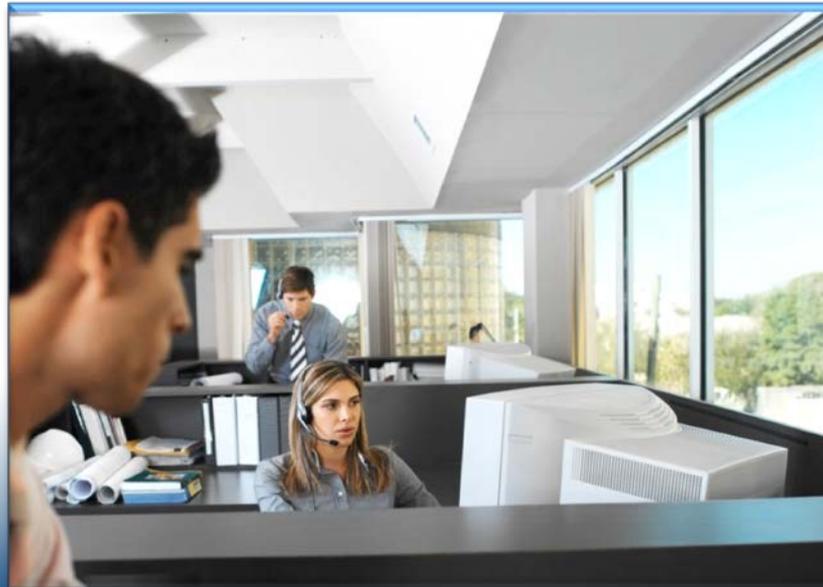
The employee was accommodated with her own workspace outside of general office traffic, and the employer purchased fragrance-free cleaning solutions. The cost was about \$200.



Accommodation Examples

A federal employee with lupus works in a large room with cubicles and asks the employer to remove or filter all the overhead lights in her area.

How should the employer decide which accommodation to choose?



Accommodation Examples

How can we figure out what else might work?

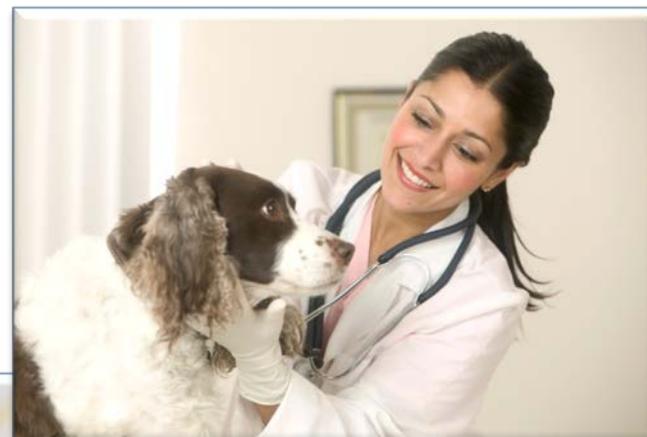
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- CubeShield
- Meets employee's needs with a low cost solution



Accommodation Examples

Job Restructuring



Accommodation Examples

Example

An employee was turning in his paperwork late and when disciplined he started screaming at his supervisor and throwing things. Later he disclosed he has High Functioning Autism and had been very frustrated because he could not remember details when communicated verbally and his supervisor rarely put his assignments and deadlines in writing.



Accommodation Examples

ACCOMMODATION:

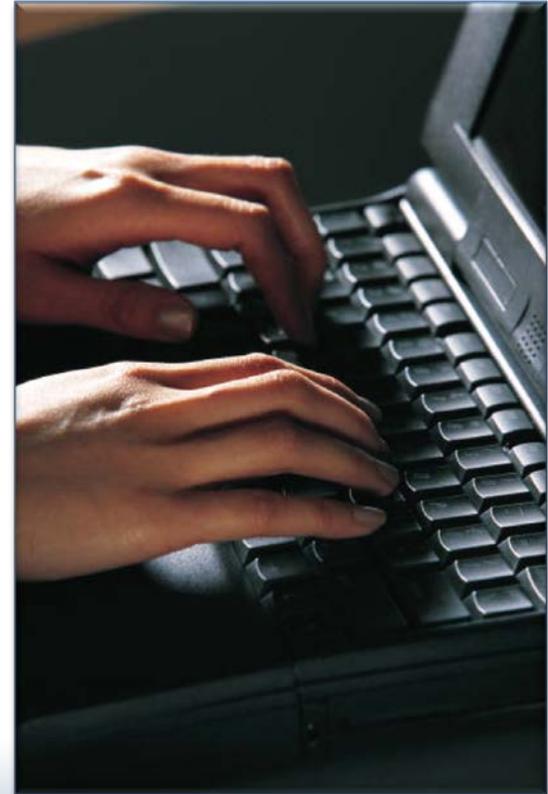
The employer started providing written instructions and reminders about when paperwork was due.



Accommodation Examples

Example

An employee at a non-profit organization had bipolar disorder and was having performance problems related to memory and judgment deficits. Part of her job involved counseling clients and the rest was documentation.



Accommodation Examples

ACCOMMODATION:

The employer gave the employee a quieter area to work in, changed her schedule to one that worked better for her, and gave her more structured access to her supervisor for regular feedback.



Accommodation Examples

Modifying Schedule & Allowing Leave Time



Accommodation Examples

Example

A student/member with bipolar disorder working as a carpenter has difficulty managing stress and memory problems due to medication.



Accommodation Examples



ACCOMMODATION:

- Allow student to take breaks to call support person.
- Have meetings more frequently to give feedback and provide positive reinforcement.
- Communicate in writing when possible, especially when giving instructions on how to complete new tasks.
- Encourage student to let instructor know about stressors that could be addressed

Accommodation Examples

A member with sleep apnea asks to change her schedule so she comes in 30 minutes later than other members and then takes a shorter lunch to make up the time. Other members notice this change and ask for a schedule modification too.

What can you do?



Accommodation Examples

What can you do?

- Start allowing all members to have flexible schedules?
- Deny the requests, but do not violate confidentiality rules?
- Ask the member if she would like to tell her coworkers?



Accommodation Examples

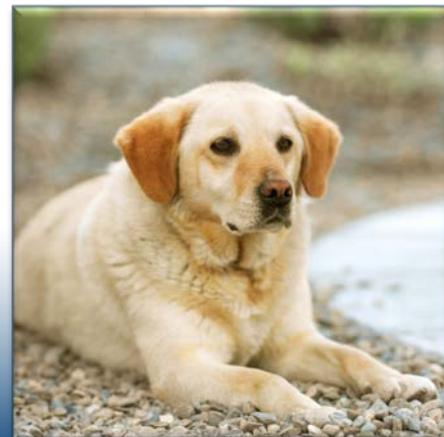
Modifying Policies



Accommodation Examples

Example

An applicant for AmeriCorps with a hearing loss has a service dog to alert her to sounds in the environment. She asked to bring her service dog with her while in program housing.



Accommodation Examples

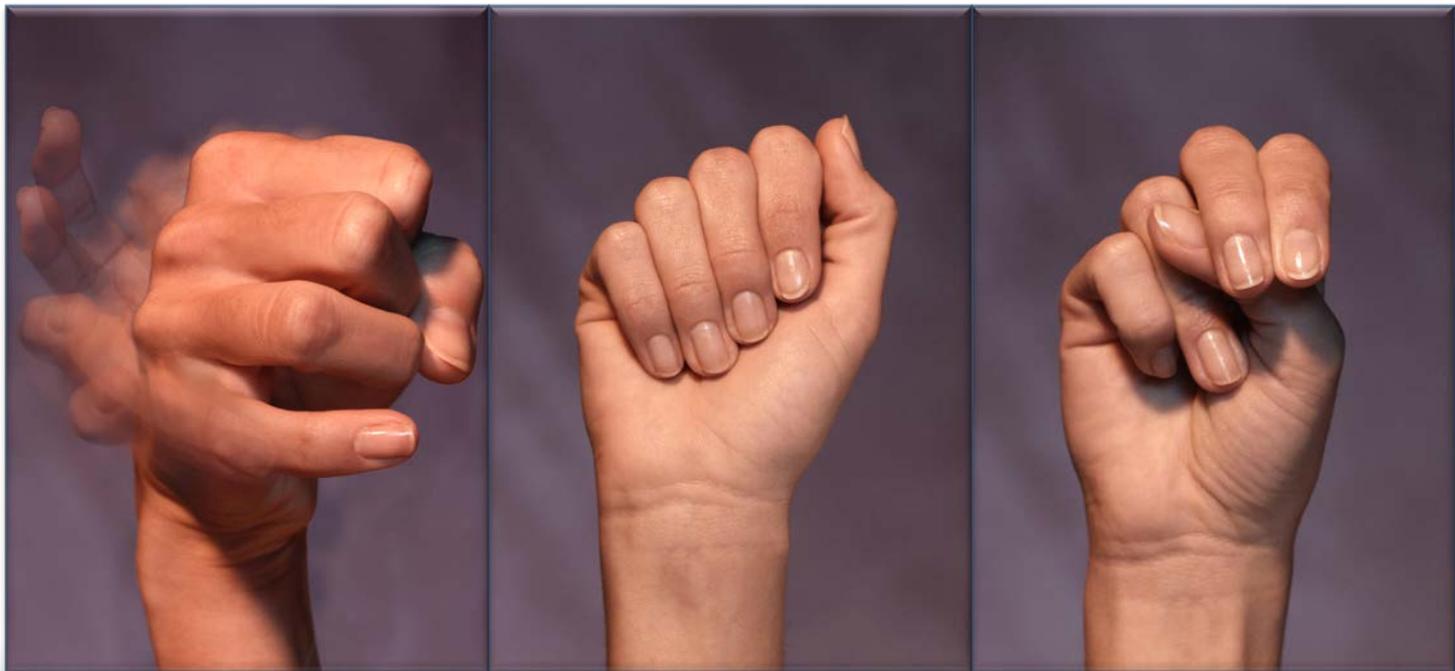
ACCOMMODATION:

The grantee modified the “no animal” policy and allowed the service dog in the workplace.



Accommodation Examples

Providing Readers and Interpreters



Accommodation Examples

Example

A grantee held periodic meetings to update members about agency policies and safety issues. A deaf member had difficulty benefitting from the meetings and filed a complaint.



Accommodation Examples

ACCOMMODATION:

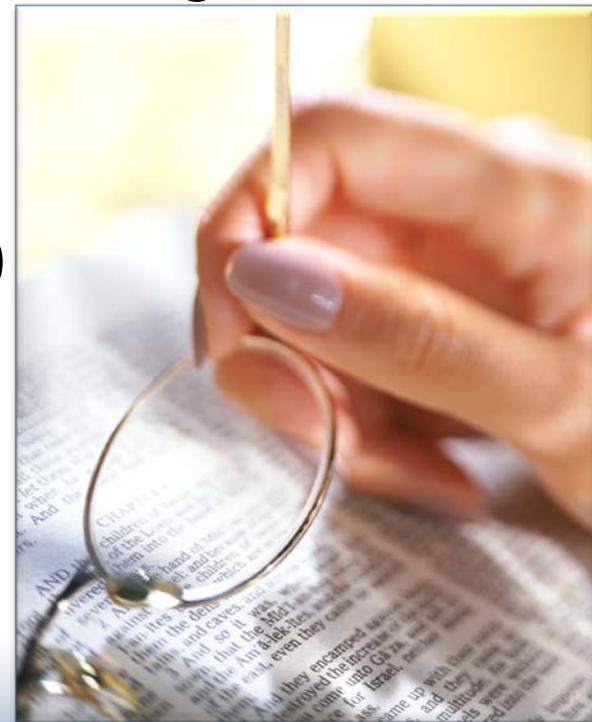
The grantee contracted for an interpreter service to provide interpreters for the meetings.



Accommodation Examples

Example

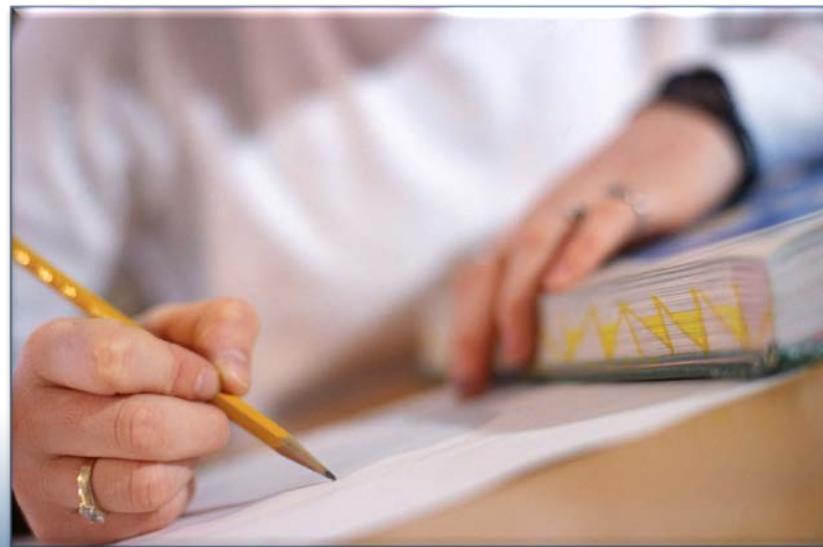
An AmeriCorps member disclosed having a learning disability with difficulty in reading. They requested a reader to help them navigate a 100 page interactive handbook. The grantee also had concerns about ability to write responses if they had difficulty reading.



Accommodation Examples

ACCOMMODATION:

The handbook was printed from an electronic file so they were able to use voice output technologies to have the member “read” the handbook from a computer. They were still provided a paper copy as they did need to write responses. Pages where written responses were required were marked with colored post-it-notes.



Accommodation Examples

Reassignment



Accommodation Examples

Example

A retired Army medic has difficulty managing stress in the workplace due to her PTSD. Her stress intolerance was intensified when she heard the emergency medical helicopter arrive and depart from the hospital where she worked as a nurse.



Accommodation Examples

Accommodation

The nurse was reassigned to a vacant position on a unit that was far from the heli-pad so she rarely heard the helicopter. During times when the helicopter staff would practice maneuvers in her area she was allowed to work a flexible schedule.



Staff training issues



- Disability Knowledge Network
 - Ecourses
 - <http://www.nationalservice.gov/resources/disability-inclusion>
 - Modern Disability 101
 - Creating a Welcoming Environment
 - Why People with Disabilities Benefit Your Program
 - Making Reasonable Accommodation
 - Designing Your Own Disability Engagement Plan

Disability Inclusion

Contact

- (800)526-7234 (V) & (877)781-9403 (TTY)
- AskJAN.org & jan@askjan.org
- (304)216-8189 via Text
- janconsultants via Skype

